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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PEIKARI, BEHZAD	

ART UNIT	PAPER NUMBER
2189	

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,418	DEVOS, STEVEN R.	
	Examiner	Art Unit	
	Leonid Kravets	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-17,19-23 and 25-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-17,19-23 and 27* is/are rejected.

7)☒ Claim(s) *25 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 October 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification describes filtering messages that have a date after the last backup, this does not describe selecting particular messages as disclosed in the claim.

3. The rejection under 35 USC 112 has been overcome due to amendment filed 9 March 2006.

Claim Rejections - 35 USC § 103

4. Claims 1-6,11-16 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veritas' Backup Exec for Windows NT and Windows 2000 Administrator's Guide ("the guide") and further in view of Microsoft Exchange Property Tags Listing.

[Note that the Property Tags Listing is used as a reference to demonstrate the mail objects provided in exchange]

As per claim 1, the guide describes a method comprising:

storing one or more messages on a mail server, wherein each message is associated with an index time [The Microsoft Exchange server the guide is directed to is used for e-mail purposes (Page 615, First Bullet). One of ordinary skill in the art would have found it obvious that such messages are associated with an index time];

performing a full backup, wherein said performing the full backup comprises:

storing a version of each message of the one or more messages on a backup medium (Page 619, 5th Bullet); and

storing a backup time ~~associated with~~ corresponding to the full backup as a value of a particular named parameter associated with the mail server; [The guide discloses an incremental backup which includes all incremental backups done since the last full backup, thus a backup time is associated with the full backup (Page 619, 7th Bullet)]. Microsoft Exchange provides a

listing of property tags which are stored with their objects. The PR_LAST_FULL_BACKUP property is used to store the time of the object's last full backup. Since all the incremental backups along with the original full backup create the current full backup, this would be the property used to store the backup time.

storing one or more additional messages on the mail server, wherein each additional message is associated with an index time (Page 619, 7th Bullet); and

performing a partial backup ~~by~~, wherein said performing the partial backup comprises:

storing respective versions of selected messages on the backup medium dependent upon a difference between the index time associated with each message and the backup time (Page 619, 7th Bullet); and

after storing the respective versions, modifying the value of the particular named parameter to a time at which the partial backup was initiated

[The guide discloses an incremental backup which includes all incremental backups done since the last full backup, thus a backup time is associated with the full backup (Page 619, 7th Bullet). The PR_LAST_FULL_BACKUP property would be updated].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate using the PR_LAST_FULL_BACKUP property of

exchange into the system of Backup Exec, since Backup Exec is used to backup Exchange databases, and this would allow for simple recording of backup time by the system.

5. As per claim 2, the guide describes the method of claim 1, wherein the ~~partial backup is performed by backing up each message that includes~~ selected messages comprise a particular additional message of the one or more additional messages, wherein the particular additional message is associated with an index time that is dated after the backup time (Page 619, 7th Paragraph).

6. As per claim 3, the guide describes the method of claim 1, wherein each message on the mail server is contained in a mail folder object [the guide describes that messages, mailboxes, or folders can be selected for backup. A person of ordinary skill in the art understands the mailbox tree has messages within the folders. (Page 625, 1st Paragraph)].

7. As per claim 11-13 and 19-21 please see rejection of claims 1-3 above.

As per claim 4, the guide describes the method of claim 3. The guide does not discuss the method wherein storing the backup time comprises modifying a data

member of the mail folder object wherein the data member is a defined parameter of the mail folder object.

Microsoft Exchange provides a listing of property tags which are stored with their objects. The PR_LAST_FULL_BACKUP property is used to store the time of the object's last full backup.

As per claim 5, the combination of the Backup Exec Administrator's Guide and Microsoft Exchange Property Tags disclose the method of claim 4, wherein the data member is defined by a manufacturer of the mail server [PR_LAST_FULL_BACKUP is a property defined by Microsoft, the manufacturer of exchange].

As per claim 6, the combination of the Backup Exec Administrator's Guide and Microsoft Exchange Property Tags disclose the method of claim 4, ~~wherein the mail server is a Microsoft Exchange server, and~~ wherein the data member is a PR_LAST_FULL_BACKUP property [See Microsoft Exchange Property Tags listing].

As per claim 14, the system of claim 13, wherein each mail folder object comprises a data member, wherein the data member is a defined parameter of the mail folder object, wherein the particular named property comprises the data member of a particular mail folder object of the one or more mail folder objects, wherein the particular mail folder includes the messages stored on the backup medium during the full backup and the selected messaged store on the backup medium during the partial backup ~~said~~

~~backup application is operable to store the backup time in said data member~~ [The guide discloses an incremental backup which includes all incremental backups done since the last full backup, thus a backup time is associated with the full backup (Page 619, 7th Bullet). The PR_LAST_FULL_BACKUP property would be updated].

As per claims 15-16, please see rejections of claims 4-6 above.

As per claim 22, please see rejection of claim 4 above

8. Claims 7, 9-10, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie (US PG Pub 2003/0200480) and further in view of Microsoft Exchange Property Tags Listing.

9. [Note that the Property Tags Listing is used as a reference to demonstrate the mail objects provided in exchange]

As per claim 7, Beattie and the Property Tags Listing disclose a method comprising:

performing a full backup (Page 4, Paragraph 39) of a mail folder object on a mail server (Page 4, Paragraph 38), wherein performing ~~a~~ the full backup comprises:

storing, as a value of a particular named property of the mail server [The PR_LAST_FULL_BACKUP property is used to store the time of the object's last full backup], a time the full backup begins as a backup time ~~in~~

of the mail folder object [The system of Beattie stores incremental timestamps from the time a full backup is performed, thus the full backup time is also stored. The timestamps are stored in folders for each backup of data, thus these are the mail folder objects (Page 5, Paragraph 45; Figure 2B)]

transferring one or more messages in the mail folder object dated before the backup time to a backup medium [It is obvious that the data transferred to the backup system is dated before the backup time, as future data does not exist at time of backup (Page 4, Paragraph 39)];

performing a partial backup (Page 2, Paragraph 26) of the mail folder object (Page 4, Paragraph 38), wherein performing the partial backup comprises:

storing, in a data variable [PR_LAST_FULL_BACKUP], a time the partial backup begins as a partial backup time (Page 5, Paragraph 46), ~~and~~;

transferring one or more messages in the mail folder object dated before the partial backup time and dated after the backup time to the backup medium [An incremental change is described as data that has changed since the last full backup, It is obvious that the data transferred to the backup system is dated before the backup time, as future data does not exist at time of backup (Page 2, Paragraph 46)];

after transferring the one or more messages dated before the partial backup time, setting the value of the particular named property to the partial backup time stored in the data variable [The guide discloses an

incremental backup which includes all incremental backups done since the last full backup, thus a backup time is associated with the full backup (Page 619, 7th Bullet). The PR_LAST_FULL_BACKUP property would be updated].

As per claim 9, Beattie describes the method of claim ~~8~~7. Beattie does not discuss the method wherein ~~storing the backup time comprises modifying~~ the particular named property comprises a data member of the mail folder object ~~wherein the data member is a defined parameter of the mail folder object.~~ Microsoft Exchange provides a listing of property tags which are stored with their objects. The PR_LAST_FULL_BACKUP property is used to store the time of the object's last full backup [Since all the incremental backups along with the original full backup create the current full backup, this would be the property used to store the backup time].

As per claim 10, the combination of Beattie and Microsoft Exchange Property Tags disclose the method of claim 9, ~~wherein the mail server is a Microsoft Exchange server, and~~ wherein the data member is a PR_LAST_FULL_BACKUP property [See Microsoft Exchange Property Tags listing].

10. As per claim 17, Beattie and the Tags Listing discloses a system comprising:

A mail server operable to store one or more messages in a mail folder object (Page 4, Paragraph 38);

A backup medium (Fig 1, Ref 112);

a backup application~~, wherein said backup application is operable~~ configured to:

perform a full backup on the mail folder object (Page 4, Paragraph 39), wherein ~~performing a full backup comprises~~ to perform the full backup, the backup application is further configured to:

~~storing~~ store, as a value of a particular named property associated with the mail folder object, a time the full backup begins as a backup time ~~in~~ of the mail folder object [The system of Beattie stores incremental timestamps from the time a full backup is performed, thus the full backup time is also stored. The timestamps are stored in folders for each backup of data, thus these are the mail folder objects (Page 5, Paragraph 45; Figure 2B). The PR_LAST_FULL_BACKUP property would also store this time information], and

~~transferring~~ transfer one or more messages in the mail folder object dated beforethe backup time to the backup medium [An incremental change is described as data that has changed since the last full backup, It is obvious that the data transferred to the backup system is dated before the backup time, as future data does not exist at time of backup (Page 2, Paragraph 46)]; and

~~wherein said backup application is further operable to~~ perform a partial backup of

the mail folder object (Page 2, Paragraph 26), wherein ~~performing the partial backup comprises~~ to perform the full backup, the backup application is further configured to:

~~storing~~ store, in a data variable, a time the partial backup begins as a partial backup time [The data variable would be PR_LAST_FULL_BACKUP (Page 5, Paragraph 46)]~~, and~~;

~~transferring~~ transfer one or more messages in the mail folder object dated before the partial backup time and dated after the backup time to the backup medium [An incremental change is described as data that has changed since the last full backup, It is obvious that the data transferred to the backup system is dated before the backup time, as future data does not exist at time of backup (Page 2, Paragraph 46)].

After transferring the one or more messages dated before the particle backup time, set the value of the particular named property associated with the mail folder object to the partial backup time stored in the data variable [The guide discloses an incremental backup which includes all incremental backups done since the last full backup, thus a backup time is associated with the full backup (Page 619, 7th Bullet). The PR_LAST_FULL_BACKUP property would be updated].

As per claim 23, please see rejections of claim 17 above.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate using the PR_LAST_FULL_BACKUP property of exchange into the system of Beattie, since Beattie is used to backup Exchange databases, and this would allow for simple recording of backup time by the system.

Allowable Subject Matter

11. Claims 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Kravets whose telephone number is 571-272-2706. The examiner can normally be reached on Mon-Fri 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon can be reached on 571-272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leonid Kravets
Patent Examiner
Art Unit 2189

Reginald G. Bragdon
REGINALD G. BRAGDON
PRIMARY EXAMINER

May 11, 2006